

1 RUSS AUGUST & KABAT  
2 Marc A. Fenster, CA SB #181067  
3 E-mail: [mfenster@raklaw.com](mailto:mfenster@raklaw.com)  
4 Brian D. Ledahl, CA SB #186579  
5 E-mail: [bledahl@raklaw.com](mailto:bledahl@raklaw.com)  
6 Payam Moradian, CA SB #276952  
7 E-mail: [pmoradian@raklaw.com](mailto:pmoradian@raklaw.com)  
8 12424 Wilshire Boulevard, 12th Floor  
9 Los Angeles, California 90025  
10 Telephone: 310/826-7474  
11 Facsimile: 310/826-6991

12 Attorneys for Plaintiff,  
13 EPL HOLDINGS, LLC

14 Additional Counsel Listed on Signature Page

15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**  
17 **SAN FRANCISCO DIVISION**

18 EPL HOLDINGS, LLC,  
19 Plaintiff-Counterclaim Defendant,  
20 v.  
21 APPLE, INC.,  
22 Defendant-Counterclaimant.

23 **No. 12-cv-04306 (JST)**

24 **STIPULATION AND [PROPOSED]  
25 ORDER TO EXTEND DEADLINE FOR  
26 COMPLETION OF CLAIM  
27 CONSTRUCTION DISCOVERY AS TO  
28 APPLE'S PROPOSED WITNESS**

29 **Judge: Hon. Jon S. Tigar**

30 WHEREAS, the Court previously set a cut-off for claim construction discovery of  
31 October 9, 2013;

32 WHEREAS, Defendant-Counterclaimant Apple, Inc. ("Apple") identified a proposed  
33 expert witness, Julius O. Smith, in its claim construction disclosures;

34 WHEREAS, Plaintiff-Counterclaim Defendant EPL Holdings, LLC ("EPL") timely  
35 requested to schedule the deposition of Mr. Smith;

1           WHEREAS, Apple has indicated that Mr. Smith is available to be deposed on October  
2 21, 2013, after the cut-off set by the Court; and

3           WHEREAS, the parties are in agreement that the deposition may go forward on October  
4 21, 2013.

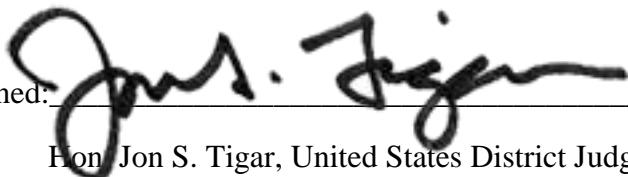
5           NOW THEREFORE, for good cause, as set forth above, the parties jointly stipulate and  
6 agree, and request that the Court order as follows:

7           1.           That the deposition of Mr. Smith may take place after the cut-off for claim  
8 construction discovery previously set for October 9, 2013 by the Court;  
9                   and  
10           2.           No other deadlines in the schedule previously set by the Court will be  
11                   affected by this stipulation.

12  
13           PURSUANT TO STIPULATION, IT IS SO ORDERED.

14  
15 Date: October 7, 2013

Signed:



16                   Hon. Jon S. Tigar, United States District Judge

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1 Dated: October 7, 2013

So stipulated,

2 RUSS AUGUST & KABAT

3  
4 By: /s Brian D. Ledahl  
BRIAN D. LEDAHL

5 Attorneys for Plaintiff  
6 EPL Holdings, LLC.

7  
8 BOIES, SCHILLER & FLEXNER LLP

9  
10 By: /s Michael D. Jay (with permission)

11 Michel D. Jay, CA SB #223827  
12 E-mail: mjay@bsflp.com  
13 Bill Ward, CA SB #246472  
14 E-mail: bward@bsflp.com  
401 Wilshire Boulevard, Suite 850  
Santa Monica, CA 90401  
Telephone: 310-752-2400  
Facsimile: 310-752-2490

15 Attorneys for Defendant  
16 APPLE, INC.

17 RUSS, AUGUST & KABAT

1 Pursuant to Local Rule 5-1(i)(3), I hereby attest to the concurrence in the filing of this  
2 document by each of the other signatories.  
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5 Dated: October 7, 2013

6 By: /s Brian D. Ledahl

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